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In re application of
Gerhard Jorgen Darr.
Serial No.09/732,398
Filed: December 07, 2000
For: MARKINGS ON TRANSPARENT PLASTIC

DECISION ON
PETITION

This is a response to the PETITION FOR WITHDRAWAL OF NOTICE OF ABANDONMENT, filed November 04, 2004 and resubmitted February 09, 2005. The request petitions that the abandonment as set forth in the Notice of Abandonment mailed October 04, 2004 for failure to respond to the Final Office Action mailed January 28, 2004 be withdrawn. Applicants assert that the Final Office Action was not received, since it was mailed to the incorrect address.

DECISION

Since petitioner asserts that the Final Office Action of January 28, 2004 was incorrectly mailed by the USPTO, the request is accepted as a petition under 37 C.F.R. 1.181 (no fee). A review of the petitioner's evidence provided with the instant petition indicates that the request can not be granted.

Applicant in the Transmittal Papers filed December 07, 2000 stated that the correspondence address was to be Steve T. Zelson, Esq., Novo Nordisk of North America, Inc., 405 Lexington Avenue, Suite 6400, New York, NY 10174-6401. Applicant then subsequently filed on September 11, 2002 a Request for Customer Number Data Change including a change of correspondence address to Novo Nordisk Pharmaceuticals, Inc. 100 College Road West, Princeton NJ 08540. On September 12, 2002, the Office mailed a Notice of Customer Number Record Change with a correspondence address of Novo Nordisk of North America, Inc., 405 Lexington Avenue, Suite 6400, New York, NY 10017. It is clear that the request for change of correspondence address was never properly changed with the associated customer number. However, a review of the application file contents indicates that applicant never associated the instant application with said customer number, the Change of Correspondence filed with the Power of Attorney of March 22, 2004 was after the mailing date of the Final Office Action of January 28, 2004, the Change in Correspondence Address mailed September 30, 2004 was after the sixth month date for response to the Final Office Action mailed January 28, 2004 and applicant has not complied with the requirements of MPEP 601.03 Change of Correspondence Address by filing a proper Change of Correspondence Address in accordance therewith before the mailing date of the Final Office Action of January 28, 2004. Thus; the Final Office Action was mailed to the correct correspondence address of record Steve T. Zelson, Esq., Novo Nordisk of North America, Inc., 405 Lexington Avenue, Suite 6400, New York, NY 10174-6401. The application is still held abandoned.

The Petition is DISMISSED.

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